

1 meeting of the Rules Committee at 9:45. There  
2 will be a meeting of the Rules Committee at 9:45  
3 in Room 332.

4 THE PRESIDENT: Rules Committee,  
5 9:45, in Room 322.

6 And the Senate is back at ease.

7 SENATOR LIBOUS: Thank you.

8 (Whereupon, the Senate stood at ease  
9 at 9:29 p.m.)

10 (Whereupon, the Senate reconvened at  
11 10:50 p.m.)

12 THE PRESIDENT: Senator Libous.

13 SENATOR LIBOUS: Thank you,  
14 Mr. President.

15 May we return to reports of standing  
16 committees. I believe there's a report of the  
17 Rules Committee at the desk.

18 THE PRESIDENT: Reports of standing  
19 committees.

20 The Secretary will read.

21 THE SECRETARY: Senator Skelos,  
22 from the Committee on Rules, reports the  
23 following bills direct to third reading:

24 Senate Print 2230, by Senator Klein,  
25 an act to amend the Criminal Procedure Law;

1                   And Senate 2107, by Senator Skelos,  
2                   Concurrent Resolution of the Senate and Assembly  
3                   proposing an amendment to Article 3 of the  
4                   Constitution.

5                   THE PRESIDENT: Senator Libous.

6                   SENATOR LIBOUS: Mr. President, I  
7                   move to accept the report of the Rules Committee  
8                   at this time.

9                   THE PRESIDENT: All in favor of  
10                  accepting the Rules Committee report signify by  
11                  saying aye.

12                  (Response of "Aye.")

13                  THE PRESIDENT: Any opposed?

14                  (No response.)

15                  THE PRESIDENT: The report is  
16                  accepted.

17                  Senator Libous.

18                  SENATOR LIBOUS: Mr. President, now  
19                  if we could go to the calendar, could we please  
20                  take up Calendar Number 1 at this time.

21                  THE PRESIDENT: The Secretary will  
22                  read.

23                  THE SECRETARY: Calendar Number 1,  
24                  by Senator Klein, Senate Print 2230, an act to  
25                  amend the Criminal Procedure Law.

1 SENATOR LIBOUS: Is there a message  
2 of necessity at the desk, Mr. President?

3 THE PRESIDENT: Senator Libous,  
4 there is.

5 SENATOR LIBOUS: I move that we  
6 accept the message of necessity at this time.

7 THE PRESIDENT: All in favor of  
8 accepting the message of necessity signify by  
9 saying aye.

10 (Response of "Aye.")

11 THE PRESIDENT: Any opposed?

12 (No response.)

13 THE PRESIDENT: The message is  
14 accepted.

15 Read the last section.

16 THE SECRETARY: Section 58. This  
17 act shall take effect immediately.

18 THE PRESIDENT: Call the roll.

19 (The Secretary called the roll.)

20 THE PRESIDENT: Senator Klein to  
21 explain his vote.

22 SENATOR KLEIN: Thank you,  
23 Mr. President.

24 When the voters send us to Albany  
25 each and every year, they expect us to deliver

1           results. And I'm proud to say that today, after  
2           working in a bipartisan fashion with  
3           Governor Cuomo, Senate Republican Leader  
4           Dean Skelos, Assembly Speaker Silver, and  
5           Senator Cousins, we have delivered.

6                 In this package not only are we  
7           addressing all of the major issues that we set  
8           out to fix, but we have done so in an inclusive  
9           and bipartisan way that has provided us with a  
10          comprehensive bill that so many of us can really  
11          be proud of.

12               As we have said all along, this is  
13          not about taking anyone's rights away but about  
14          securing the right of all New Yorkers to live in  
15          a safe and free society.

16               Make no mistake, we have long been  
17          at the forefront of this fight. But today we  
18          solidify our place as a national leader on gun  
19          control. After all, this package recognizes the  
20          constitutional right that every citizen has to  
21          protect themselves while also recognizing that  
22          right is not absolute and should not come without  
23          reasonable common-sense restrictions.

24               I believe this is the most  
25          comprehensive and tough gun-control package

1           you'll see anywhere in the country. From this  
2       day forward, we are banning assault weapons, we  
3       are eliminating high-capacity magazines, we're  
4       reforming Kendra's Law, we're providing life in  
5       prison for those who take the life of a first  
6       responder.

7           We are finally getting serious about  
8       illegal guns and finally increasing penalties on  
9       the criminals who use the black market to rob,  
10      assault, or even kill innocent law-abiding  
11      citizens. And we are doing all of this by making  
12      critical choices that finally begin to tackle the  
13      complex issues of mental health and gun  
14      ownership.

15           For that reason, I'd like to thank  
16      Governor Cuomo for his leadership on this effort  
17      as well as Senator Skelos again, the  
18      Assembly Speaker, and of course Senator Cousins  
19      for their steady and thoughtful leadership  
20      throughout this legislative process.

21           Mr. President, I hope my colleagues  
22      will join me in voting yes on this landmark  
23      legislation.

24           Thank you.

25           THE PRESIDENT: Thank you, Senator.

1 Senator Smith to explain his vote.

2 SENATOR SMITH: Thank you very  
3 much, Mr. President.

4 Let me first thank Conference Leader  
5 Klein, Conference Leader Skelos, and  
6 Conference Leader Andrea Stewart-Cousins. I  
7 believe the three of them have put together what  
8 I believe to be a package obviously that the  
9 Governor has worked very aggressively on, a  
10 package of legislation that I believe and we all  
11 know will put New York State at the forefront of  
12 gun legislation throughout the country.

13                           We now will have the distinction of  
14                           having the most aggressive and most sweeping  
15                           legislation as it relates to not only making sure  
16                           that gun legislation is of a quality that will  
17                           keep our citizens safe, but also one that deals  
18                           with increased penalties.

19                           In many of our urban centers --  
20                           Syracuse, Rochester, Albany, in particular  
21                           New York City -- we've had a rash of illegal gun  
22                           activities that has taken the lives of a number  
23                           of young people throughout this city. Many of  
24                           you are familiar with some of them. One of them  
25                           was here today, a young lady by the name of

1           Donna Hood, who lost her son of 13 years old  
2           walking home simply from school.

3                 The section of this particular bill,  
4           Mr. President, that deals with increased  
5           penalties I have been working on for quite some  
6           time, along with some of my other colleagues.  
7                 And while I know their names are not in this  
8           particular bill, one of the things that our  
9           stenographers do is take down all that is said,  
10           which helps memorialize some of what we talk  
11           about on this floor. And in that vein, I would  
12           like to be able to memorialize through my  
13           statement here just a few names around the  
14           illegal penalties and dedicate certain sections  
15           to them.

16                 There is a section of the bill that  
17           deals with possession of loaded firearms during  
18           any drug sale of violent felons. That penalty  
19           goes from a C felony to a five-year mandatory  
20           minimum. That would be dedicated to  
21           Shanee Johnson's son, who was 17 years old.

22                 There is a section here that deals  
23           with illegal guns on school grounds, goes from a  
24           Class A felony to an E felony. That would be  
25           dedicated to Donna Hood, who lost her son,

1           13 years old, young man driving down the street.

2           Then there would be also the injury  
3           to a child with an illegal gun weapon in the  
4           reckless area, and that is a Class A misdemeanor  
5           to a Class D. That would be dedicated to  
6           Lloyd Morgan, four years old, young man in the  
7           Bronx.

8           And then of course there is  
9           targeting illegal possession of guns by gangs.  
10          And that in particular would be dedicated to  
11          Kenneth Archbold, who was in Harlem.

12          I want to thank my colleagues today  
13          for the work that they're doing today. I want to  
14          thank again Senator Klein, Senator Skelos,  
15          Senator Andrea Stewart-Cousins, and the Governor  
16          in particular for this effort.

17          I think today we are setting the  
18          mark for the rest of the country to do what's  
19          right by the people of the State of New York and  
20          to do what's right by the country. I'll be  
21          voting aye, Mr. President.

22          Thank you very much.

23          THE PRESIDENT: I just would ask  
24          the Senators, we have a two-minute time frame for  
25          explaining your vote.

1 Senator Peralta.

2 SENATOR PERALTA: Thank you,

3 Mr. President.

4 As the sponsor of 14 gun bills, I  
5 couldn't be happier to see long-overdue action  
6 finally taken on common-sense measures to protect  
7 New Yorkers from gun violence.

8 From revoking the gun permits and  
9 confiscating the firearms of domestic abusers and  
10 the mentally ill, to requiring background checks  
11 and law enforcement oversight for private gun  
12 sales and ammunition purchases, to requiring  
13 periodic statewide recertification of gun  
14 licenses, a good deal of the legislation I have  
15 sponsored and fought for is in this package.

16 After what we saw happen in Newtown,  
17 Connecticut, and in Rochester, strengthening  
18 New York's assault-weapons ban became an urgent  
19 and pressing priority, and we are adopting  
20 perhaps the toughest assault-weapons ban in the  
21 country.

22 I applaud the Governor for his  
23 perseverance and his commitment. Above all, I  
24 want to thank him for his leadership. Making it  
25 harder for criminals to get guns and keeping

1           firearms out of the hands of the mentally ill are  
2           essential steps in the fight against gun  
3           violence.

4           We also need to make it easier for  
5           law enforcement to put gun criminals in jail by  
6           making use of available technology. That's why  
7           we need to enact microstamping legislation, which  
8           has the support of police and prosecutors  
9           throughout the state. And there's absolutely no  
10          logical, coherent reason for not requiring  
11          microstamping in New York, or at least not one  
12          that has been articulated yet.

13          We're told that requiring  
14          microstamping will put our state's gun  
15          manufacturers out of business. Yet one of the  
16          reasons we needed to toughen New York's  
17          assault-weapons ban is because many high-powered  
18          rifles now in production are exempted from the  
19          current ban. Why? Because manufacturers altered  
20          their products to circumvent the law. So  
21          ignoring the law is profitable, but complying  
22          with a microstamping requirement would be bad for  
23          business. That's a business model that has no  
24          business in New York.

25          In addition to making it harder for

1                   criminals to get guns, we need to make it easier  
2                   for law enforcement to put gun criminals in  
3                   jail. Longer jail sentences won't make a  
4                   difference if we're not catching the people who  
5                   need to be locked up.

6                   And please, let's not waste any more  
7                   time on the nonsense that a microscopic code on a  
8                   shell casing constitutes an assault on the  
9                   Second Amendment rights of sportsmen and  
10                  law-abiding gun owners. New Yorkers deserve  
11                  better than that, especially those waiting on  
12                  justice for a loved one lost to gun violence.

13                  As I said, as the sponsor of 14 gun  
14                  bills, I couldn't be happier to see long overdue  
15                  action finally taking place. Mr. President, I  
16                  will voting yea.

17                  THE PRESIDENT: Thank you, Senator.  
18                  Senator Gianaris to explain his  
19                  vote.

20                  SENATOR GIANARIS: Thank you,  
21                  Mr. President.

22                  An achievement as significant as  
23                  this requires a lot of thanks to go around.  
24                  Governor Cuomo certainly deserves our thanks for  
25                  shepherding this legislation through the

1 process. Senator Skelos deserves our thanks,  
2 Senator Klein as well. But most of all, it's  
3 Senator Stewart-Cousins and the Democratic  
4 Conference I want to spend my two minutes  
5 thanking this evening.

6 There are no fewer than seven  
7 components of the legislation we're about to vote  
8 on that are carried in individual pieces of  
9 legislation by members of this conference. You  
10 heard Senator Peralta discuss some of his  
11 proposals. Senator Squadron has an  
12 assault-weapons-ban bill very similar to what's  
13 in this bill. I myself carry the universal  
14 background check legislation that is contained in  
15 this bill.

16 And I think what we're going to see  
17 on our side of the aisle is a tremendous vote in  
18 support of this legislation because of the  
19 importance that it presents to the people of this  
20 state. We see tragedy after tragedy around this  
21 country, and most recently in New York State  
22 itself, caused by the types of weapons that we  
23 are taking action against this evening.

24 Make no mistake, we are saving lives  
25 by passing this bill tonight. And for that,

1 everyone in this chamber has my thanks, whether  
2 it's for simply allowing it to come to a vote or  
3 for casting a vote in favor, because tonight we  
4 are making a difference for the people of this  
5 state.

6 Thank you.

7 THE PRESIDENT: Thank you, Senator.  
8 Senator Squadron to explain his  
9 vote.

10 SENATOR SQUADRON: Thank you,  
11 Mr. President.

12 And I too want to thank the Governor  
13 for his leadership in pushing this forward,  
14 ensuring that we got here the first regular day  
15 of session the kind of action that people have  
16 been clamoring for for so long on guns. In fact,  
17 in October I called for an emergency special  
18 session to deal with exactly this issue. And  
19 today the Governor is pushing this forward.

20 I thank the conference leaders for  
21 allowing this to come to a vote today and for  
22 their work, and our conference leader on the  
23 Democratic side, Andrea Stewart-Cousins, for her  
24 leadership on these issues over a great deal of  
25 time, as well as the Assembly and the

1                   Assembly Speaker.

2                   The assault-weapons ban in this bill  
3                   makes us best in the nation when it comes to  
4                   banning the kind of military-style weapons that  
5                   have no business being on the street or in the  
6                   hand of civilians, period. Instead of having the  
7                   two-feature model, instead of listing specific  
8                   weapons, we say any one of these features that  
9                   basically makes a weapon an assault weapon,  
10                  allows it to do the kind of damage that we've  
11                  seen again and again in horrific tragedies, makes  
12                  guns no longer legal, period.

13                  It also says that for the first time  
14                  the Superintendent of State Police is going to be  
15                  telling us which guns aren't legal. So if  
16                  manufacturers try to get ahead of this ban, the  
17                  Superintendent of State Police is going to be  
18                  right on their heels making sure that we do not  
19                  have assault weapons that are legal in this  
20                  state.

21                  And the sale, the transfer, and the  
22                  possession -- other than with very strict  
23                  registration requirements -- will be banned.  
24                  It's a very big deal, it's very significant,  
25                  along with the other components of this bill.

1                   And I am pleased that this  
2                   assault-weapons ban that I and the Governor and  
3                   so many others have been pushing for so long  
4                   finally sees the light of day tonight and  
5                   hopefully gets passed into law.

6                   Thank you, Mr. President.

7                   THE PRESIDENT:    Thank you, Senator.

8                   Senator Krueger to explain her vote.

9                   SENATOR KRUEGER:    Thank you,  
10                  Mr. President.

11                  I also rise to take a moment to say  
12                  this house, the other house, and the Governor are  
13                  doing a good thing tonight.

14                  It's not a perfect bill. I think we  
15                  all could name things we wish were included. For  
16                  me, it's a strong statement that New York is  
17                  getting tough on guns, that New York is making  
18                  sure that we are not going to see continued  
19                  levels of violence in our communities.

20                  It's not the final step. I hope the  
21                  important message that is seen here tonight  
22                  coming from New York is the importance of  
23                  national legislation. I hope our colleagues in  
24                  Washington, D.C., understand the relationship  
25                  between the steps we're taking here tonight in

1           New York and the importance of ensuring that we  
2       have parallel and even stronger protections built  
3       in at the federal level.

4           Because you and I and all my  
5       colleagues know that our authority stops at the  
6       state border. And if others are allowed to  
7       continue the practices that we are outlawing here  
8       in New York in the surrounding states, we will  
9       continue to see problems.

10          And so I hope that the message is  
11       loud and clear coming from Albany and New York  
12       State tonight that we are taking important steps  
13       that must be replicated state by state and at the  
14       national level.

15          I vote yes, Mr. President. Thank  
16       you.

17           THE PRESIDENT: Thank you, Senator.  
18           Senator Gipson to explain his vote.

19           SENATOR GIPSON: Thank you,  
20       Mr. President. I'm grateful to have this  
21       opportunity to talk about this bill tonight.

22           I think it's important that the  
23       voters know that it's been only about two hours  
24       since we've had the chance to look over the  
25       details of this bill. And I myself, as a newly

1           elected official here who came here to  
2           participate in democracy, I find it unfortunate  
3           that we're not having the chance to debate this  
4           bill with all the Senators here.

5                 I frankly think that with all the  
6           talent in this room on both sides of the aisle,  
7           we could have done a lot better. And I hope that  
8           in the future, on future bills, we will have a  
9           chance to do better.

10               Having said that, I do want to say  
11           that I'm happy to see that this bill does not  
12           impose undue restrictions on the many sportsmen  
13           in my district. I come from a district that has  
14           many hunters, many sportsmen. And I'm happy to  
15           see that this still gives them the freedom to do  
16           what they enjoy doing in a safe way.

17               I just have to say that while the  
18           bill is not perfect, I cannot help but continue  
19           to think about the many children that have been  
20           killed with gun violence that will no longer have  
21           a chance to celebrate their birthdays, no longer  
22           have a chance to celebrate holidays, that are no  
23           longer with us. And I could not in good faith do  
24           anything more than support this bill.

25               So I will be voting yes for this

1 bill.

2 THE PRESIDENT: Thank you, Senator.

3 Senator Parker to explain his vote.

4 SENATOR PARKER: Thank you,

5 Mr. President.

6 Let me join my colleagues and add my  
7 voice to the chorus of those who are  
8 congratulating both the Governor and the members  
9 of this body in terms of them getting this bill  
10 together, an important work that has to happen.

11 We oftentimes pass laws that look  
12 for an outcome. Today, tonight, we're making  
13 history by passing a law that will avoid  
14 outcomes, outcomes like we saw in Newtown. And  
15 we are hoping that this bill will make New York  
16 safer and stronger than it was yesterday and that  
17 we'll use this as a stepping-off point to do even  
18 more to make the residents of our state the  
19 safest residents in the country.

20 And I want to echo Senator Peralta  
21 when he calls for microstamping. And there's a  
22 couple of other initiatives that we on the  
23 Democratic side of the aisle have been pushing  
24 for that hopefully will be the next steps in  
25 terms of making sure that people, and

1           particularly our children, are safe from gun  
2           violence.

3           I'll be voting aye.

4           THE PRESIDENT:   Thank you, Senator.

5           Senator Diaz to explain his vote.

6           SENATOR DIAZ:   Thank you,

7           Mr. President.

8           Happy New Year to all of you.

9           This is a bill that I find is not as  
10          strong as the Governor was bragging about that it  
11          would be.  It's not as strong in the ban on  
12          assault weapons.  It's a bill.  I understand the  
13          Governor had to come down so -- to allow Jeff  
14          Klein to convince Dean Skelos to submit the bill  
15          to the floor.

16           But ladies and gentlemen,  
17          remember -- and I'm voting yes -- remember that  
18          more than 32 Democratic Senators are voting for  
19          this bill tonight.  So this is a Democratic, this  
20          is a Democratic bill.  Even though we are not in  
21          control in the chamber, I want everyone to know  
22          that this is -- we are -- more than 32 Democratic  
23          Senators, we are voting for this bill.  So this  
24          is our bill.  And we Democrats are the ones  
25          putting this together.

1                   I'm voting for it, but yet  
2                   knowing -- knowing, ladies and gentlemen, knowing  
3                   that even though I'm voting for it to give the  
4                   opportunity for crime to come down, I know and  
5                   you should know that this would not make a  
6                   difference in crimes. It's the mind. Not until  
7                   we work on people's minds.

8                   We have lost respect for life, we  
9                   have lost respect and fear of God. We have lost  
10                  everything that make people respect one to  
11                  another. And not until we go back to those  
12                  standards, nothing, nothing going to control  
13                  crimes and nothing going to control this.

14                  I'm voting for it, but I assure you  
15                  there's nothing going to change. It's the mind.  
16                  It is not the weapon, it's not the revolver, it  
17                  is not the rifle. It's the mind.

18                  Thank you very much.

19                  THE PRESIDENT: Thank you, Senator.  
20                  Senator Espaillat to explain his  
21                  vote.

22                  SENATOR ESPAILLAT: Thank you,  
23                  Mr. President.

24                  I want to also congratulate the  
25                  leaders of the Legislature, the Governor on the

1 second floor for this initiative.

2 But make no mistake about it, it is  
3 the outrage of millions and millions of Americans  
4 that has manifested itself across the country  
5 after the tragedies that have shaken all of us,  
6 that have propelled us to take this action. It  
7 is the outrage of our nation and our state  
8 regarding the tragedies in Connecticut and other  
9 states that have now brought us here together to  
10 ignore partisanship and work on common ground to  
11 begin the work on gun control.

12 Because this is not the end of it,  
13 this is just the beginning of it. And there are  
14 still many measures that must be considered and  
15 taken to ensure that our families have a better  
16 shot, a better opportunity at living safely in  
17 their communities. And there are some provisions  
18 that we feel are very necessary and strong  
19 provisions that are not included in this bill.

20 So let this be the beginning of a  
21 robust dialogue and debate throughout this  
22 legislative session to improve on matters of gun  
23 control. And let it not be just limited to a  
24 piece of legislation. I think we need to bring  
25 this debate to the budget process. We must make

1           sure that the budget of this state includes  
2           funding for programs that have shown to eradicate  
3           guns from the streets of the City of New York and  
4           the urban settings in our state.

5                 It is not just the assault weapons  
6           that are causing damage and killings across the  
7           state. Guns, handguns are used readily and daily  
8           across most of the urban cities of this state,  
9           and we must address that issue. And we can do  
10           that not only with regards to public policy or  
11           passing legislation, but we should also ensure  
12           that this incentive and this initiative is  
13           reflected in the budget process.

14                 Yes, even within a very difficult  
15           budget year, we must take into consideration that  
16           the programs that are necessary for law  
17           enforcement and for communities to eradicate guns  
18           from their corners are implemented across the  
19           State of New York.

20                 I stand to vote aye on this bill,  
21           and I think it's the beginning of a debate, not  
22           the end of this process.

23                 Thank you.

24                 THE PRESIDENT: Thank you, Senator.  
25                 Senator Adams to explain his vote.

1 SENATOR ADAMS: Thank you,  
2 Mr. President.

3 I want to thank Senator Klein for  
4 bringing this important bill to the floor and  
5 allowing us to vote on it.

6 It seemed like it was only yesterday  
7 that I visited a gun shop right here in Albany  
8 and was able to purchase a high-capacity  
9 magazine. And people said it was impossible,  
10 when I introduced the legislation to ban  
11 those magazines, they said it would never  
12 happen. It seemed like only yesterday when I  
13 drove from upstate carrying an assault rifle to  
14 the border of Yonkers on Broadway, able to walk  
15 into the Bronx with that assault rifle. And I  
16 stated we need to ban these assault rifles, and  
17 people said it was impossible.

18 And so the impossibility actually  
19 came to reality today as we're voting on these  
20 legislations and these bills that are clearly  
21 going to turn the corner on what we're doing in  
22 New York City. And hopefully Washington, D.C.,  
23 will understand the importance and the importance  
24 of banning assault rifles will resonate  
25 throughout the entire country.

1                   It's one thing for New York City to  
2                   have strong gun laws, but when you can walk into  
3                   any gun shop in Albany with just a driver's  
4                   license and pick up an AK-47 or pick up any other  
5                   assault rifle and walk into New York City, then  
6                   we're failing. We must ban assault rifles. And  
7                   Senator Peralta is right, and Senator Espaillat  
8                   is right. It's more than just assault rifles.

9                   Because we not only mourn the death  
10                  of children who are shot by AK-47s in classrooms,  
11                  we mourn the death of children who are shot on  
12                  playgrounds with 9 millimeters or .38 or any  
13                  gun. The death of a child, a parent doesn't  
14                  mourn different based on the geographical area  
15                  that they were shot. We must deal with the sick  
16                  fascination we have with gun violence.

17                  And I will be voting aye.

18                  THE PRESIDENT: Thank you, Senator.

19                  Senator Ball to explain his vote.

20                  SENATOR BALL: Good evening,  
21                  everybody. How are you? It's good to be in the  
22                  State of New York.

23                  You know, it's amazing, I got a  
24                  letter from a mother in my district. And that  
25                  mother has a bipolar child who's schizophrenic,

1 and she fears for her life and the lives of her  
2 neighbors every day. And the mental health  
3 system in the New York State has failed her  
4 repeatedly. It's a kangaroo system, and that  
5 child will be treated like a number and a ticking  
6 time bomb to go off.

7                   And that single mom doesn't have the  
8 support from this state or that system to care  
9 for that child. And tonight we preach about  
10 saving lives.

11                  Not long ago I think a woman was in  
12 Georgia, she has several young children, her  
13 husband showed her how to shoot. Somebody broke  
14 into her home, came after her, she shot him I  
15 believe six times. Tonight we're going to pass  
16 legislation that if she had eight rounds in that  
17 chamber instead of seven, she'd be a criminal.

18                  We haven't saved any lives tonight  
19 except for one, the political life of a governor  
20 who wants to be president.

21                  We have taken an entire category of  
22 firearms that are currently legal that are in the  
23 homes of law-abiding, taxpaying citizens -- as a  
24 legislature that believes in its power to the  
25 extent where you actually profess you're

1                   magically saving lives, we are now turning those  
2                   law-abiding citizens into criminals.

3                   And tomorrow hoping that on the  
4                   front pages we will be seen as preventing  
5                   tragedies. Yet that single mom will wake up  
6                   tomorrow with that bipolar child who's  
7                   schizophrenic and violently mentally ill, and we  
8                   will have done nothing.

9                   Good night. And I voted no, and I  
10                  only wish I could have done it twice.

11                  THE PRESIDENT: Thank you, Senator.

12                  Any Senators wishing to explain  
13                  their vote?

14                  Senator Marchione.

15                  SENATOR MARCHIONE: I rise to  
16                  explain my no vote as well.

17                  I truly believe that the  
18                  Second Amendment constitutional freedoms of every  
19                  New Yorker tonight has been weakened and will be  
20                  weakened by the passage of this new restrictive  
21                  gun law.

22                  I felt -- I feel that it was a shame  
23                  that our Governor felt the need to use a message  
24                  of necessity.

25                  Because we talk about transparency

1 and we talk about wanting our people within our  
2 districts to be able to give us their opinions  
3 and to have public hearings and to hear about the  
4 process, and to make sure it's open and  
5 transparent, yet we get legislation on our desks  
6 for less than 20 minutes and we're voting on  
7 something through a message of necessity.

8 Law-abiding citizens who own  
9 guns are not our problem. Law-abiding citizens  
10 understand, know how to take care of their guns  
11 not to be a danger to others. Mentally ill  
12 people and criminals who have guns, who will have  
13 guns whether or not this legislation is passed --  
14 because they will get guns illegally. Most of  
15 them do.

16 All of us in this room tonight care  
17 deeply about the tragedies that have occurred in  
18 our state and in other states. But do you  
19 realize that out of all of those incidences,  
20 they're males between 18 and 34? And in only one  
21 instance it wasn't mental illness. We need to  
22 look at mental illness.

23 When I look at this bill tonight, I  
24 see some good things. I see how we're looking at  
25 Kendra's Law and Mark's Law. I see how we're

1 looking to give schools money to help them. But  
2 I'd like to see the bill split so in good  
3 conscience I can continue to vote no on  
4 legislation that I believe takes away the rights,  
5 constitutional rights of our law-abiding citizens  
6 who choose to want to have guns.

7 I will be voting no on this bill.

8 THE PRESIDENT: Thank you, Senator.

9 Any Senators wishing to explain  
10 their vote before we close?

11 Seeing none, announce the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 1, those recorded in the negative  
14 are Senators Ball, Bonacic, DeFrancisco, Farley,  
15 Gallivan, Griffo, Larkin, Libous, Little,  
16 Marchione, Maziarz, Nozzolio, O'Mara,  
17 Ranzenhofer, Ritchie, Robach, Seward and Young.

18 Ayes, 43. Nays, 18.

19 THE PRESIDENT: Bill Number 2230 is  
20 passed.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,  
23 could we have some order in the chamber.

24 THE PRESIDENT: Order in the  
25 chamber, please.

1 SENATOR LIBOUS: Thank you,

2 Mr. President.

3 Could we lay aside the remainder of  
4 the calendar for the day, please.

5 THE PRESIDENT: So ordered.

6 SENATOR LIBOUS: Is there any other  
7 business at the desk?

8 THE PRESIDENT: There is none.

9 SENATOR LIBOUS: Mr. President,  
10 there being no further business, I move that we  
11 adjourn until Tuesday, January 15th, at  
12 11:00 a.m.

13 THE PRESIDENT: On motion, the  
14 Senate stands adjourned until Tuesday,  
15 January 15, at 11:00 a.m.

16 (Whereupon, at 11:21 p.m., the  
17 Senate adjourned.)

18

19

20

21

22

23

24

25